

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA
SPARTANBURG DIVISION

Westchester Fire Insurance Company,)
)
Plaintiff,)
)
vs.)
)
Samuel F. Eakin,)
)
Defendant.)
_____)

Civil Action No. 7:11cr672-HMH

ORDER OF DISMISSAL

The Court having been advised by counsel for the parties that the above action has been settled,

IT IS ORDERED that this action is hereby dismissed without costs and without prejudice. If settlement is not consummated within sixty (60) days, either party may petition the Court to reopen this action and restore it to the calendar. Rule 60(b)(6), F.R.Civ.P. In the alternative, to the extent permitted by law, either party may within sixty (60) days petition the Court to enforce the settlement. Fairfax Countywide Citizens v. Fairfax County, 571 F.2d 1299 (4th Cir. 1978). By agreement of the parties, the court retains jurisdiction to enforce the settlement agreement. Kokkonen v. Guardian Life Ins. Co., 511 U.S. 375, 381-82 (1994).

The dismissal hereunder shall be with prejudice if no action is taken under either alternative within sixty (60) days from the filing date of this order.

IT IS SO ORDERED.

S/Henry M. Herlong, Jr.

Henry M. Herlong, Jr.
Senior United States District Judge

June 11, 2012
Greenville, South Carolina